GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes Department – Gross negligence in issuance of way bills indiscriminately - Causing loss of revenue to Government - Disciplinary proceedings initiated against Sri A.A.P.Nageswar, formerly Commercial Tax Officer, Proddutur, Kadapa District – Charges proved – Dismissed from service – OA filed – Hon`ble Tribunal suspended dismissal orders and ordered to conclude enquiry - Fresh inquiry conducted – Charge proved - Inquiry Report communicated – Representation - Punishment of withholding entire (100%) pension and Gratuity permanently besides recovery of loss of Rs.49,46,432/- Imposed – Review petition filed – Considered – Punishment modified to that of 5% cut in pension for two years –Suspension period treated as "Not on Duty" - Orders – Issued.

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REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.855 Dated :06-08-2016
Read the following:

Ref:1. G.O.Ms.No.1197, Revenue (Vig.I) Department, dated: 17-10-2008.
2. From Andhra Pradesh Administrative Tribunal. Hyderabad, interim orders dated:06-04-2010 in O.A.No.1826/2010 filed by Sri A.A.P. Nageswar, Commercial Tax Officer (dismissed).
3. G.O.Rt.No.216, Revenue (Vig.I) Department, dated 17-02-2011.
4. Orders of Andhra Pradesh Administrative Tribunal, Hyderabad, dated: 04-10-2012 in O.A.No.1826/2010 filed by Sri A.A.P.Nageswar, Commercial Tax Officer (under orders of dismissal).
5. From CCT, AP., Hyd, Lr.No.Vig.I(D3)/3088/96, dt.31-12-2012.
6. Government Memo No.15205/Vig.I(1)/2010-15,dated:10-01-2013.
7. Government Memo No.15205/Vig.I(1)/2010-16, dated: 10-01-2013.
8.From Sri A.A.P.Nageswar, Commercial Tax Officer (Retired), representation, dated: 24-01-2013.
9. From CCT, AP, Hyderabad, Lr.No.VI/3088/1996, dated 15-02-2013.
10.Govt.Memo No.15205/Vig.I(1)/2010-17, dated: 15-03-2013.
11.From CCT, AP., Hyderabad, Lr.No.VI/3088/1996, dated:22-04-2013 along with representation of Sri A.A.P.Nageswar, Commercial Tax Officer (Retired), dated: 18-04-2013.
12. Government Letter No.15205/Vig.I(1)/2010-20, Dated: 17-07-2013.
13. From Secy, APPSC, Hyd, Lr.No.1647/RT/2/2013, dated: 29-07-2013.
14. G.O.Rt.No.1244, Revenue (Vig.I) Department, dated: 08-08-2013.
15. Review petition dated 26-09-2013 filed by Sri A.A.P.Nageswar Commercial Tax Officer (Retired) received from CCT vide Lr.No.V1/3088/96, dated:13-11-2013.
16. Lr.No.42483/Vig.II(3)/2013-1, dated: 10-08-2015 and 14- 09-2015.
17. From Prl.Secy, APPSC, Hyd, Lr.No.691/DC&C/2/2015,Dated: 06-10-2015.
18. G.O.Rt.No.1062, Revenue (Vigilance-II) Dept., Dated: 28-10-2015.
19. Representation of Sri. A.A.P.Nageswar, Commercial Tax Officer (Retired), dated:15-03-2016.
20. From CCT, AP, Hyderabad, Lr.No.VI/3088/1996, dated 24-06-2016.

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O R D E R :

Whereas, disciplinary action has been initiated against Sri A.A.P. Nageswar, for the irregularity committed by him while working as Deputy Commercial Tax Officer, Proddutur, Kadapa (YSR) District in issuance of way bills indiscriminately to the Dealers of Stones and Stone Slabs and also issuance of way bills indiscriminately to Oil Dealers and thereby causing huge loss to the Government exchequer and as the guilt of the charged officer has been proved in the inquiry, the Government after following due procedure have imposed the punishment of dismissal from service against the charged officer, vide reference 1st read above.

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2. Aggrieved by the above dismissal orders, Sri A.A.P. Nageswar, Commercial Tax Officer (dismissed) has filed O.A.No.1826/2010. The Hon`ble Andhra Pradesh Administrative Tribunal, Hyderabad in its interim orders, dated: 06-04-2010 has suspended the dismissal order and directed to continue the applicant in to service, until further orders, vide reference 2nd read above. Accordingly, the Government have reinstated the charged officer into service and placed him under deemed suspension with effect from 17-10-2008 i.e., (from the date of dismissal orders), vide reference 3rd read above. While the inquiry is under progress the Charged Officer has retired from service on 31-08-2012 on attaining the age of superannuation. The Hon`ble Tribunal has finally disposed the Original Application with a direction to conclude the enquiry and pass final orders, vide reference 4th read above.

3. And whereas, as per the directions of the Hon`ble Andhra Pradesh Administrative Tribunal, Hyderabad, fresh enquiry Officer has been appointed to complete the enquiry from the point where the procedure has been violated. The Inquiry Officer has submitted report stating that the guilt of the Charged Officer has been proved. The Government after examining the Inquiry Report and after arriving the loss caused due to the irregularity committed by the Charged Officer as Rs.49,46,432/- and after following due procedure have imposed the punishment of withholding of entire (100%) pension and Gratuity permanently besides recovery of loss of Rs.49,46,432/- (Rupees Forty Nine Lakhs Forty Six Thousand Four Hundred and Thirty Two only) from the Charged Officer, under rule 9 of Andhra Pradesh Revised Pension Rules, 1980, vide reference 14th read above.

4. And whereas, the Charged Officer has filed the review petition against the above punishment imposed by the Government vide reference 15th read above within the time limit prescribed under Rule 40 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. In the Review petition, he has stated that he has issued the way bills to the dealers of stones and stone slabs and oil millers as per circular instructions issued by Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad vide No.A1(3)/364/95, dt.05-02-1996 only, but not discriminately and also not caused any revenue loss to the Government and requested the Government to review his case and to drop the punishment imposed against him.

5. Whereas the Government have examined the review petition filed by Sri A.A.P.Nageswar, Commercial Tax Officer, (now Retired), in exercise of the powers conferred under Rule 40 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules read with Rule 9 (1) of Andhra Pradesh Revised Pension Rules, 1980, and modified the punishment of withholding of pension and gratuity permanently, besides recovery of loss of Rs.49,46,432/- (Rupees Forty Nine Lakhs, Forty Six Thousands Four Hundred and Thirty Two only) to that of 5% cut in pension for two years, vide ref 18th read above.

6. Whereas in the ref 19th read above, Sri A.A.P.Nageswar, Commercial Tax Officer, (now Retired) has filed a representation, through the Commissioner of Commercial Taxes, for regularizing the suspension period as duty from 17.10.2008 to 31.08.2012, as "on duty".

7. Government after careful examination of the matter, have decided to treat the suspension period of Sri A.A.P.Nageswar, Commercial Tax Officer, (now Retired) as 'not on duty' as per Rule 54-B(7) of Andhra Pradesh Fundamental Rules & Subsidiary Rules as he was awarded a punishment of 5% cut in pension for two years in the reference 18th read above. Accordingly, the Government here by order to treat the suspension period of Sri A.A.P.Nageswar Commercial Tax Officer, (now Retired) from 17.10.2008 to 31.08.2012, as 'not on duty' as per Rule 54-B(7) of Andhra Pradesh Fundamental Rules & Subsidiary Rules.

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8. The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad, shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To,
The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad
Sri A.A.P.Nageswar, Commercial Tax Officer (Retired)
(**through** the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad)
The Deputy Commissioner, Commercial Tax, KADAPA.

Copy to:

The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Hyd.
The Accountant General, Andhra Pradesh, Hyderabad.
The Director, Treasuries & Accounts, Andhra Pradesh, Hyderabad.
The Revenue (Commercial Tax-I) Department.
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER